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June 11, 2014

Via ECF and Facsimile

Hon. Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Fox News Network, LLC v. TVEyes, Inc.*, No. 13 Civ. 5315

Dear Judge Hellerstein:

We represent Plaintiff Fox News Network, LLC (“Fox News”) in the above-referenced litigation. We jointly write with counsel for Defendant TVEyes, Inc. (“TVEyes”) regarding the upcoming briefing of summary judgment in this action.

As Your Honor is aware, both parties have indicated an intention to seek summary judgment in this matter. The parties also anticipate relying on information that was designated as Confidential Information or Highly Confidential Information under the Stipulated Protective Order (Dkt. No. 16). As the material relied upon by the parties in each round of briefing likely will overlap, the parties seek to streamline the process of moving for permission to file materials under seal pursuant to Your Honor’s Individual Rules § 4.B. Accordingly, the parties jointly and respectfully request that the Court endorse the following procedure for summary judgment in this case:

- The parties will serve each other with all summary judgment materials on the dates set forth in the Court’s Memo Endorsement of April 11, 2014 (Dkt. No. 27) (i.e., opening materials due by June 26, 2014; responses due by July 24, 2014; and replies due by August 7, 2014).¹ The parties also will file on the public record on those dates notices of motion or certificates of service, indicating the materials that have been served, and shortly thereafter will provide the Court with courtesy copies of all briefing materials.

¹ The parties also will exchange no later than the following Saturday at noon copies of their briefs and declarations redacting any of that party’s Highly Confidential Information.

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- One week after the parties' reply briefs are due (August 14, 2014), the parties will identify to each other those portions of the briefing materials sought to be sealed and set forth the reasons why sealing is appropriate under the circumstances.
- No later than one week later (August 21, 2014), the parties will submit a joint letter to the Court pursuant to Your Honor's Individual Practices § 4.B. Based on the Court's ruling on the joint letter, the parties will file on the public record redacted versions of the briefing and file under seal any redacted materials. In addition, to the extent the parties rely upon DVDs, which cannot be filed via the ECF system, such DVD's will be filed in physical form with the clerk of the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Cendali", with a stylized flourish at the end.

Dale Cendali, P.C.

cc: Andrew Schapiro, Esq.